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300.00 103  
120.00 105  
A/N

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By: Donna Spinillo

Date: 08/21/91

File No.: GK-ST-292-A-K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward W. Stark

Serial No: 663,144

Filed: March 1, 1991

For: IMPROVED METHOD AND APPARATUS FOR OPTICAL  
INTERACTANCE AND TRANSMITTANCE MEASUREMENTS

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AUG 29 1991

APPLICATION DIVISION-401

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Completion of Application

Applicants submit herewith the following in order to complete the above application:

1. Declaration and Power of Attorney;
2. Check for \$1050.00 (\$630.00 filing; \$300.00 extra claims; \$120.00 surcharge);
3. Petition for Three Month Extension of Time and check for \$ 730.00;
4. A copy of the Notice to File Missing Parts of Application - Filing Date Granted.

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1 101 630.00 CK  
1 103 300.00 CK  
1 105 120.00 CK

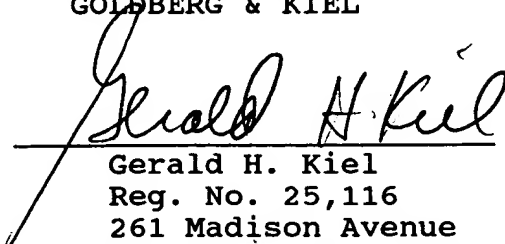
Please charge any additional fees or credit any  
overpayment to Deposit Account No. 13-0025.

Respectfully submitted,

MCAULAY FISHER NISSEN  
GOLDBERG & KIEL

Dated: August 21, 1991

By:

  
Gerald H. Kiel  
Reg. No. 25,116  
261 Madison Avenue  
New York, NY 10016  
Tel. (212)986-4090

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JUN 03 1991



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER: 077663, 144  
FILING DATE: 03/19/91

INVENTOR: STARK

ATTY DOCKET NO./TITLE

MCAULAY, FISHER, NISSEN,  
GOLDBERG & KIEL  
261 MADISON AVENUE  
NEW YORK, NY 10016

000

03/19/91

DATE MAILED:

### NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

A filing date has been granted to this application. However, the following parts are missing.

If all missing parts are filed within the period set below, the total amount owed by applicant as a

☒ large entity, ☐ small entity (verified statement filed), is \$ 2,050.00.

1. ☒ The statutory basic filing fee is: ☒ missing ☐ insufficient. Applicant as a ☒ large entity ☐ small entity, must submit \$ 230.00 to complete the basic filing fee and MUST ALSO SUBMIT THE SURCHARGE AS INDICATED BELOW.
2. ☒ Additional claim fees of \$ 300.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. NO SURCHARGE IS REQUIRED FOR THIS ITEM.
3. ☒ The oath or declaration:  
☒ is missing.  
☐ does not cover items omitted at time of execution.

An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required. A SURCHARGE MUST ALSO BE SUBMITTED AS INDICATED BELOW.

4. ☐ The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required. A SURCHARGE MUST ALSO BE SUBMITTED AS INDICATED BELOW.
5. ☐ The signature to the oath or declaration is: ☐ missing; ☐ a reproduction; ☐ by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required. A SURCHARGE MUST ALSO BE SUBMITTED AS INDICATED BELOW..
6. ☐ The signature of the following joint inventor(s) is missing from the oath or declaration:  
\_\_\_\_\_. An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Receipt Date is required. A SURCHARGE MUST ALSO BE SUBMITTED AS INDICATED BELOW.
7. ☐ The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$30.00 under 37 CFR 1.17(k), unless this fee has already been paid. NO SURCHARGE IS REQUIRED FOR THIS ITEM.
8. ☐ A \$50.00 processing fee is required for returned checks. (37 CFR 1.21(m)).
9. ☐ Your filing receipt was mailed in error because check was returned without payment.
10. ☐ Other.

An Application Number and Filing Date have been assigned to this application. The missing parts and fees identified above in items 1 and 3-6 must be timely provided ALONG WITH THE PAYMENT OF A SURCHARGE of \$120.00 for large entities or \$60.00 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given ONE MONTH FROM

Oath or Declaration

DOCKET  
June 20, 1991

The United States Postal Service (USPS) has advised the Patent and Trademark Office (PTO) that delivery of mail picked up by the USPS at the PTO around March 18-19, 1991, was delayed. Delivery of that mail could have taken place as late as May 15-17, 1991.

To minimize, if not eliminate, any adverse impact caused by the USPS delay, and subject to the conditions specified in paragraph 5, the following times for taking action in response to a PTO letter involved in the delay apply.

1. If a decision of the Board of Patent Appeals and Interferences (BPAI) or the Trademark Trial and Appeal Board (TTAB), is date-stamped on any date in March 1991, and was delivered by the USPS after May 1, 1991, then the time for taking action under:

- (a) 37 CFR § 1.196 (new ground of rejection);
- (b) 37 CFR §§ 1.197, 1.658, 2.129, or 2.144 (seeking reconsideration); or
- (c) 35 U.S.C. § 141 or § 145 or 15 U.S.C. § 1071 (seeking judicial review),

will be extended to and including Monday, July 1, 1991, unless the date for taking action is already set to expire later than July 1, 1991, in which case the later date applies. 37 CFR §§ 1.304 and 2.145.

2. If an order, decision, or other action of the BPAI or TTAB, other than those which would call for taking action under subparagraphs (a) through (c) of paragraph 1, is date-stamped on any date in March 1991, and was delivered by the USPS after May 1, 1991, then the time for taking action shall be determined by:

- (1) the Chairman of the BPAI or his designee in a patent case; or
- (2) the Chairman of the TTAB or his designee in a trademark case.

It is not possible, from a practical point of view, to set by general notice a date for taking action in the numerous situations which can arise in connection with most interlocutory orders, decisions, and other actions entered by the BPAI and TTAB. However, it is expected that appropriate relief will be granted on a case-by-case basis.

3. If an advisory action entered in an ex parte patent case after final rejection (see Manual of Patent Examining Procedure, § 714.13) is date-stamped on any date in March 1991, and was delivered by the USPS after May 1, 1991, and applicant can still take, and wants to take, action within the six-month period allowed by law (35 U.S.C. § 133), then the provisions of 37 CFR § 1.136(a) and (b) are waived (37 CFR § 1.183) to the extent that an extension of time under 37 CFR § 1.136(b) will be granted without a fee even though filed after the day on which action by the applicant is due. In no case can the extension carry the date on which a response is due beyond the six-month statutory limit (35 U.S.C. § 133).

If a PTO paper, i.e., any ex parte rejection, ex parte refusal, decision, order, requirement, request for payment of a fee, or other similar paper (except decisions or orders of the BPAI or TTAB, which are governed by paragraph 1 and 2, or an advisory action in a patent case, which is governed by paragraph 3), is date-stamped in March 1991, and was delivered by USPS after May 1, 1991, then:

- (1) the PTO paper shall be deemed to have been mailed on Monday, May 20, 1991, and
- (2) any response filed within the time period as reset by this notice will be deemed to be timely filed.

5. To receive the benefits set out in paragraphs 1 through 4 for a paper being submitted, a written request for appropriate relief must be filed with, and preferably as part of, the paper. The written request (1) must make reference to this notice, and (2) must include a statement signed by a practitioner, as defined in 37 CFR § 10.1(r), which identifies the PTO paper with reasonable particularity and states that the PTO paper being responded to:

- (a) has been reviewed;
- (b) bears a PTO date stamp having a date in March 1991, specifying the date of the PTO date stamp on the paper; and
- (c) was received after May 1, 1991, specifying the date the paper was received.

A copy of the page of the PTO paper bearing the PTO date stamp and a date stamp, or other indication, showing receipt of the paper should be attached to and made a part of the statement. For example, an appropriate statement is:

I, \_\_\_\_\_, an attorney (agent) of record in the above-identified proceeding before the Patent and Trademark Office, have reviewed the following paper: (identify the paper, i.e., the decision of the BPAI, the decision of the TTAB, the first Office action, the final refusal, etc.). The paper has a PTO date stamp of March \_\_, 1991, and was received on May \_\_, 1991. A copy of the page of the paper showing the PTO date stamp and a date stamp showing receipt of the paper is attached.

6. It is not possible to extend times set by statutes which leave the Commissioner no discretion to extend times, e.g.,

(1) responding to an ex parte patent rejection (35 U.S.C. § 133) or an ex parte trademark refusal (15 U.S.C. § 1062) after expiration of the six-month statutory period; (2) supplementing certain affidavits of continued use under 15 U.S.C. § 1058 [(*In re Mother Tucker's Food Experience (Canada), Inc.*, 925 F.2d 1402, 17 USPQ2d 1795 (Fed. Cir. 1991); *In re Culligan International Co.*, 915 F.2d 680, 16 USPQ2d 1234 (Fed. Cir. 1990)]. Nevertheless, it is the intent of this notice to indicate that PTO intends to grant relief, where possible, to alleviate any hardship caused by the mail delay which occurred in this particular situation.

7. For specific situations not covered by this notice and involving the mail delay discussed above, members of the public may contact the following:

(1) Cases involving matters before the BPAI:

Office of the Chairman, Board of Patent Appeals and Interferences, Crystal Gateway 2, Room 12C06 (703) 557-4101

(2) Cases involving matters before the TTAB:

Office of the Chairman, Trademark Trial and Appeal Board, South Tower Building, 9th Floor (703) 308-9300

(3) Patent cases not before the BPAI:

Office of Petitions, Crystal Park 2, Room 913 (703) 557-4282

(4) Trademark cases not before the TTAB:

Office of the Assistant Commissioner for Trademarks, Crystal Park 2, Room 910 (703) 557-3916

May 20, 1991

HARRY F. MANBECK, JR.  
Commissioner of Patents  
and Trademarks